

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SPACETIME3D, INC.

Plaintiff,

v.

**SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,**

Defendants.

Civil Action No. 2:19-cv-00372-JRG

JURY TRIAL DEMANDED

DECLARATION OF Y. GLORIA PARK

I, Y. Gloria Park, declare as follows:

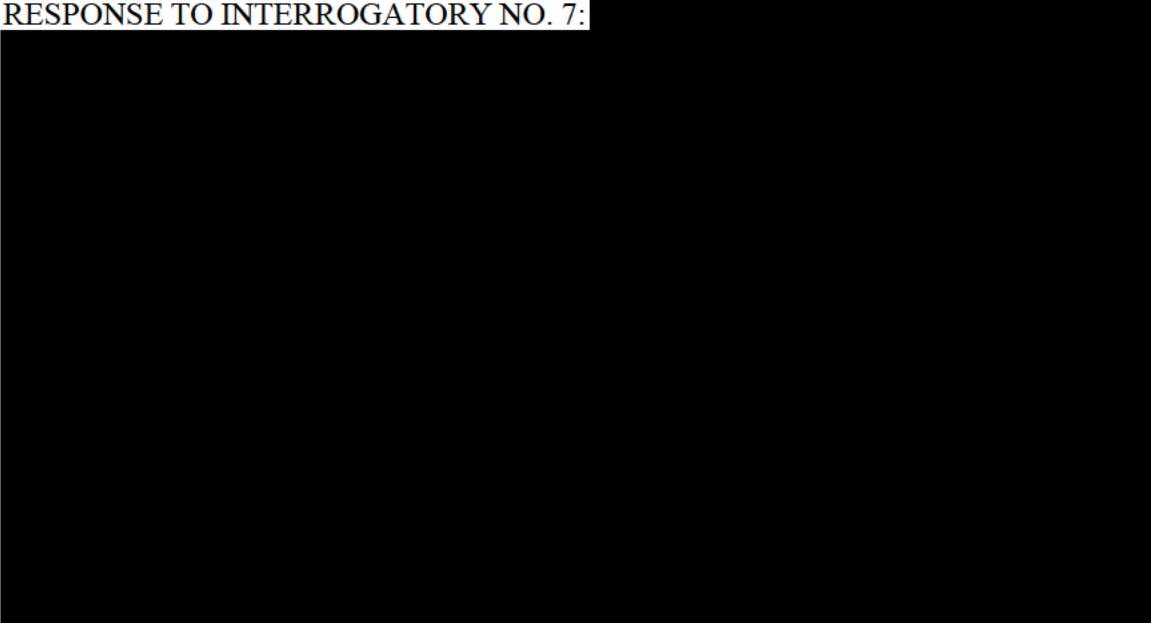
I am an attorney at the law firm Susman Godfrey, L.L.P. and am counsel of record for Plaintiff SpaceTime3D, Inc. (“SpaceTime3D”) in case No. 2:19-cv-00372-JRG. I submit this declaration in support of SpaceTime3D’s Motion to Compel. I have personal knowledge of the facts set forth in this declaration and could testify competently to them.

Interrogatories, License Agreements, and Damages Discovery

1. On March 24, 2020, SpaceTime3D served its First Set of Interrogatories, including Interrogatory Nos. 7 and 9:

- INTERROGATORY NO. 7: Please identify with specificity (including by Bates number) all agreements in which You granted, or in which others granted You, any license or covenant rights under any patents that (a) relate to any Accused Product; (b) relate to any GUIs and/or (c) are relevant to the determination of any damages in this litigation, and identify all individuals having personal knowledge of the information set forth in your response.
- INTERROGATORY NO. 9: Identify by case name and number all patent litigation(s) (including ITC investigations), whether in the United States or in foreign countries, where the accused functionality is or relates to the graphical user interface of the Accused Products.

2. On April 23, 2020, Defendants served their Responses and Objections to Plaintiff’s First Set of Interrogatories, including the following responses and objections:

- RESPONSE TO INTERROGATORY NO. 7:
A large black rectangular redaction box covers the majority of the page below the interrogatory response, starting just below the question and extending down to near the bottom of the page.

- RESPONSE TO INTERROGATORY NO. 9:

3. On September 4, 2020, in advance of a scheduled lead and local meet and confer call, Defendants' counsel Aaron Wainscoat wrote: “ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] ”

4. On September 23, 2020, Defendants served their First Supplemental Responses to First Set of Interrogatories, including the following supplemental response:

- FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7: [REDACTED]

[REDACTED]

5. On September 4, 2020, I emailed Defendants' counsel requesting that Samsung produce the following documents from *Apple v. Samsung*, No. 11-cv-1846 (N.D. Cal.):

- Expert report(s) of Vincent O'Brien submitted on behalf of Samsung, including attachments, exhibits, schedules, and appendices.
- Expert report(s) of Ramami[rtham] Sukumar submitted on behalf of Samsung, including attachments, exhibits, schedules, and appendices.

6. On September 21, 2020, I again emailed Defendants' counsel to ask when Defendants will produce the *Apple v. Samsung* expert reports and to further "identif[y] two [additional] relevant cases for which Samsung should produce all expert reports (including attachments, exhibits, schedules, appendices, and underlying data and analysis), settlement agreements, and license agreements." SpaceTime3D identified *Cypress Lake Software, Inc. v. Samsung Electronics America, Inc.*, Case No. 6:18-cv-00030-JDK (E.D. Tex.), and *Rockstar Consortium US LP v. Samsung Electronics Co., Ltd.*, Case No. 2:13-cv-00900-JRG (E.D. Tex.).

7. On September 23, 2020, I again emailed Defendants' counsel in part as follows: "We still have not heard from you on whether Samsung is going to (1) answer Interrogatory No. 9, (2) produce license agreements, including but not limited to license agreements from the three cases we have brought to Samsung's attention, and (3) produce expert reports and settlement agreements from the three cases that we have brought to Samsung's attention. If we do not hear from you by 2pm Eastern this Friday, we will plan on seeking the Court's intervention."

8. My September 4, 21, and 23 emails to Defendants' counsel, as discussed in Paragraphs 5 through 7, are attached as **Exhibit 1**.

9. On September 24, 2020, following a call with Defendants' counsel Aaron Wainscoat in which he requested that SpaceTime3D provide the specific patents from *Cypress* and

Rockstar that SpaceTime3D believes is relevant to the instant litigation, I identified the relevant patents as requested. I renewed SpaceTime3D's request that Defendants produce the damages expert reports requested from *Apple v. Samsung* and asked Defendants to commit to producing licenses involving GUI of the Accused Products before November 1. My email is attached as **Exhibit 2**. As of this filing, Defendants have not responded to this email.

Deposition Dates

10. On August 25, 2020, SpaceTime3D noticed the depositions of Kitae Kim, Joonhee Lee, Yeonjoo Jwa, and Youn Sun Lee. On the same day, SpaceTime3D further served notices of subpoenas to former Samsung employees YoungWoo Choi and Daniel Yoon. SpaceTime3D requested that Defendants let us know whether Defendants' counsel represent Choi and/or Yoon.

11. After numerous requests from SpaceTime3D for confirmation on the representation of Choi and Yoon, Defendants' counsel Aaron Wainscoat notified SpaceTime3D on September 10 that his office "represents Mr. YoungWoo Choi with respect to the subpoena that Plaintiff intends to serve." On September 11, Aaron Wainscoat "advised that DLA Piper also is representing Mr. Daniel Yoon." SpaceTime3D served the YoungWoo Choi and Daniel Yoon subpoenas on September 11.

12. On September 1, 2020, SpaceTime3D served on Defendants its Notice of Rule 30(b)(6) Deposition.

13. On September 23, 2020, I emailed Defendants' counsel in part as follows: "We noticed these depositions on August 25 and September 1 and still have not heard from you regarding dates. On the September 4 lead and local meet and confer, Aaron noted that he would be following up shortly with dates but has failed to do so. We will accordingly seek the Court's intervention by COB Friday if Samsung does not, by 2pm Eastern on Friday, (a) give us witness

availability dates for all of these witnesses before November 1, and (b) commit to producing all relevant documents, including emails, at least two weeks before the date of each respective deposition.”

14. Defendants’ counsel Aaron Wainscoat responded in part as follows: As we mentioned on our previous call, we will be consolidating the individual notices with the 30b6 notice, and producing any witnesses who will testify in both capacities at one time. I believe I mentioned that we expect that to include all of the 30b1 witnesses you noticed except for Mr. Joonhee Lee (and we will provide available dates for Mr. Lee soon). . . . We are in the process of evaluating the extensive 30b6 corporate topics that Plaintiff served, and will be providing dates in response to that notice in due course.”

15. The September 23, 2020 correspondence between SpaceTime3D’s and Defendants’ counsel regarding deposition dates is attached as **Exhibit 3**.

16. As of the filing of the motion to compel and this supporting declaration, Defendants have not produced any license agreements or requested damages discovery, have not further supplemented its responses to Interrogatory Nos. 7 and 9 or indicated that they would do so, and have not provided dates for any noticed depositions.

Dated: September 25, 2020

Respectfully submitted,

/s/ Y. Gloria Park
Y. Gloria Park